

AMENDMENT NO. 5
TO
SECOND SUBSTITUTE ORDINANCE NO. BL2019-48

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2019-48 as follows:

- I. That Section 1, proposed Section 17.16.250.D is hereby by adding the following as a new subsection:
8. Sunset date. The provisions of this subsection D shall expire and be null and void on January 7, 2023 unless extended by resolution of the metropolitan council.

SPONSORED BY:



Dave Rosenberg
Member of Council

ADOPTED: July 7, 2020

AMENDMENT NO. 4
TO
SECOND SUBSTITUTE ORDINANCE NO. BL2019-48


Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2019-48 as follows:

I. By amending Section 1, proposed Section 17.16.250, Subsection D, by adding the following as a new subsection:

- 8. Permit expiration and renewal
 - a. A home occupation permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.
 - b. The Codes Department may promulgate additional regulations by which a renewal application may be submitted.
 - c. The renewal application must include a statement verified by affidavit that the home occupation remains in compliance with Section 17.16.250.D.

SPONSORED BY:



Courtney Johnston



Angie Henderson
Members of Council

ADOPTED: July 7, 2020

AMENDMENT NO. 3
TO
SECOND SUBSTITUTE ORDINANCE NO. BL2019-48

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2019-48 as follows:

I. By amending Section 1 by deleting subsection D.6.b. in its entirety and replacing it with the following:

b. Prior to issuance of a permit, the applicant shall provide the Codes Department with an affidavit verifying:

i. that the applicant has confirmed that operating the proposed home occupation would not violate any home owners association agreement or bylaws, condominium agreement, covenants, codes and restrictions, lease or any other agreement governing and limiting the use of the property proposed for the home occupation;

ii. that the property is the applicant's primary residence. Two documents indicating proof of primary residence shall be provided. Each document must be current and show the owner's name and address matching that of the property to be utilized for a home occupation. Acceptable documentation includes: (a) Tennessee Driver's license; (b) other valid State of Tennessee identification card; (c) Davidson County voter registration card; (d) current employer verification of residential address or a letter from the employer on company letterhead with original signature. (If the employer does not have letterhead, the signature of the employer must be notarized.); (e) current automobile, life or health insurance policy. (Wallet Cards not accepted); (f) paycheck/check stub, (g) work ID or badge, (h) Internal Revenue Service tax reporting W-2 form; or (i) a bank statement; and

iii. ~~If the applicant is not the property owner, affidavit shall also verify that the property owner is aware of the application and does not object to pursuit of the home occupation permit.~~

Further, the applicant shall provide proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.

SPONSORED BY:



Sean Parker
Member of Council

ADOPTED: July 7, 2020

AMENDMENT NO. 2

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2019-48

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2019-48 as follows:

- I. By amending Section 1 by deleting subsection D.1.b. in its entirety and replacing it with the following:

~~b. The home occupation shall not occupy more than twenty percent of the total floor area of the principal structure to a maximum of 500 square feet of floor area plus the area of any legally permitted accessory buildings.~~ The home occupation shall not occupy more than twenty percent of the total floor area of the principal structure and shall not occupy more than 1,000 square feet of total floor area within the principal structure and any legally permitted accessory buildings.
- II. By amending Section 1 by adding the following as a new subsection D.2.b. and renumbering any subsequent subsections accordingly:

b. No more than five employees may reside within the dwelling at a home occupation location.
- III. By amending Section 1 by deleting subsection D.3.c. in its entirety and replacing it with the following:

c. The permit holder shall maintain and make available to the Codes Department a log or register of customer appointments for each calendar year.
- IV. By amending Section 1 by deleting subsection D.6.b. in its entirety and replacing it with the following:

b. Prior to issuance of a permit, the applicant shall provide the Codes Department with a ~~statement~~ an affidavit verifying that the applicant has confirmed that operating the proposed home occupation would not violate any home owners association agreement or bylaws, condominium agreement, covenants, codes and restrictions, lease or any other agreement governing and limiting the use of the property proposed for the home occupation. If the applicant is not the property owner, the ~~applicant shall also certify~~ affidavit shall also verify that the property owner is aware of the application and does not object to pursuit of the home occupation permit. Further, the applicant shall provide proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.
- V. By amending Section 1 by deleting subsection D.7.b. in its entirety and replacing it with the following:

b. Revocation of Permit. Upon the filing of ~~three~~ two or more verified complaints within a calendar year regarding a permit issued for activities under this section, the Zoning Administrator, or his or her designee, shall notify the permit holder in writing of such complaints and the Zoning Administrator, or his or her designee, will determine whether such complaints are valid. If it is determined that violations have occurred, the Zoning Administrator may revoke a permit as provided in Section 17.40.590. Once a permit has been revoked pursuant to this subsection, no home occupation permit shall be issued to the applicant for the same property for a period of one year from the date of the revocation. The permit holder may appeal the Zoning Administrator's decision to the Board of Zoning Appeals for a public hearing as provided in this Title. Other violations of this Subsection D are punishable by a fine of fifty dollars per day, per violation.

SPONSORED BY:



Dave Rosenberg
Member of Council

ADOPTED: JUNE 16, 2020

AMENDMENT NO. 1

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2019-48

Mr. President –

I hereby move to amend Second Substitute Ordinance No. BL2019-48 as follows:

I. By amending Section 1, proposed Section 17.16.250, Subsection D.5 is hereby amended as follows:

5. Activities

- a. The storage of materials or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards.
 - i. All materials or goods shall be stored completely within the space designated for home occupation activities.
 - ii. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.
 - iii. All materials or goods shall be stored completely within the dwelling unit or accessory building.
 - iv. All flammable or combustible compounds, products or materials shall be maintained and utilized in compliance with Fire Code NFPA-30.
- b. The following are permitted as home occupations that are allowed customer visits under subsection D.3:
 - i. Personal instruction, defined for the purposes of this section as services for training individuals or groups in academics, arts, fitness, personal defense, crafts, or other subjects of a similar nature;
 - ii. General office, defined for the purposes of this section as provision of executive, management, administrative, or professional services, but not involving medical services;
 - iii. Personal care services, defined for the purposes of this section as spa services and beauty and barber care;
 - iv. Multimedia production, defined for the purposes of this section as staging and recording of video or audio productions that occur indoors and do not require sound to leave the premises; and
 - v. Artisan manufacturing, defined for the purposes of this section as the shared or individual use of hand tools, mechanical tools, and electronic tools for the manufacture of finished products or parts as well as the incidental storage, sales, and distribution of such products within the limitations of this section.
- c. The following are not permitted as home occupations regardless of whether customer visits are allowed:
 - i. The manufacture or repair of automobiles and other transportation equipment.
 - ii. The repair of equipment that takes place outdoors.
 - iii. The outdoor storage of construction, scrap, or salvage materials.

II. By amending Section 1, Proposed Section 17.16.250 by deleting the phrase “1. Permit Requirements” and substituting in lieu thereof “64. Permit Requirements”.

III. By amending Section 1, proposed Section 17.16.250, Subsection D.6 is hereby amended by adding a new subsections d., e., f., and g. as follows:

- d. The owner of the property: (1) must be a natural person or persons or trust; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company;

- and (3) may not be an unincorporated entity, including without limitation a partnership, or joint venture.
- e. The permit applicant must be the owner of the property, a relative of the owner of the property, or, if a renter, must have at least a one-year lease for the property. The applicant shall verify by affidavit that they comply with this subsection.
- f. Only one permit may be issued per property owner, regardless of the number of properties owned by the property owner and regardless of whether the property owner is the applicant.
- g. No person may be issued more than one permit.
- IV. By amending Section 1, Proposed Section 17.16.250 by deleting the phrase "2. Transferability and Enforcement" and substituting in lieu thereof "2. Transferability and Enforcement".

SPONSORED BY:



Dave Rosenberg
Member of Council

ADOPTED: June 9, 2020

SECOND SUBSTITUTE ORDINANCE NO. BL2019-48

An ordinance amending Section 17.16.250 of Title 17 of the Metropolitan Code of Laws relative to home occupation. (Proposal No. 2019Z-020TX-001)

WHEREAS, current regulations prohibit even one client from visiting a home-based business; and

WHEREAS, these regulations create a hardship on residents seeking additional income to survive in a city with a skyrocketing cost of living; and

WHEREAS, these regulations create a significant barrier for children seeking tutoring services, music lessons, and other enrichment; and

WHEREAS, 5.7% of Nashville workers aged 16 and older work from home; and

WHEREAS, permitting limited home-based business activity will protect the residential character of neighborhoods while allowing more Nashvillians to earn supplemental income to remain in their homes.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Subsection D of Section 17.16.250 of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

D. Home Occupation. A home occupation shall be considered an accessory use to a residence subject to the following:

1. Location

- a. A home occupation must be conducted entirely within the dwelling unit or accessory building.
- b. The home occupation shall not occupy more than twenty percent of the total floor area of the principal structure ~~and in no event more than one thousand~~ to a maximum of 500 square feet of floor area plus the area of any legally permitted accessory buildings.

2. Employees and Vehicles

- a. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation location.
- b. Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited. Vehicles associated with the home occupation shall be limited to one passenger vehicle such as a motorcycle, automobile, pick-up truck, sport utility vehicle, van or similar, with a maximum axle load capacity of one and one-half tons.
- c. No truck deliveries or pick-ups, except by public or private parcel services, are permitted.

3. Customer Visits

- a. Customer visits must occur by scheduled appointment and only between the hours of 8 a.m. and 7 p.m., Monday through Saturday.
- b. Customer visits shall be limited to no more than three visits per hour and a maximum of six total visits per day.
- c. The permit holder shall maintain and make available to the Codes Department a log or register of appointments for each calendar year.

4. Outward Appearance

- a. Signs, as defined in Section 17.32.030.B, exterior or interior displays of goods visible from the outside, or any exhibit that would indicate the dwelling unit or accessory building is being used for any purpose other than a residence are prohibited.
- b. The residential character of the lot and dwelling must be maintained. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential

construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.

- c. A home occupation may not produce noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, glare, humidity, fumes, electrical interference, waste run-off, or other objectionable effects outside the dwelling unit or garage.

5. Activities

- a. The storage of materials or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards.

- i. All materials or goods shall be stored completely within the space designated for home occupation activities.
- ii. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.
- iii. All materials or goods shall be stored completely within the dwelling unit or accessory building.
- iv. All flammable or combustible compounds, products or materials shall be maintained and utilized in compliance with Fire Code NFPA-30.

- b. The following are ~~prohibited~~ permitted as home occupations:

- ~~i. adult entertainment businesses;~~
- ~~ii. after hours establishments;~~
- ~~iii. any business primarily engaged in retail sales;~~
- ~~iv. any use listed as an industrial use, medical use, transportation use, utility use, or waste management use in the zoning district land use table in Section 17.08.030;~~
- ~~v. automobile repair services;~~
- ~~vi. automobile service;~~
- ~~vii. bars or night clubs;~~
- ~~viii. bed and breakfast inns;~~
- ~~ix. funeral homes;~~
- ~~x. hotels;~~
- ~~xi. major appliance repair;~~
- ~~xii. restaurants;~~
- ~~xiii. sex clubs; and~~
- ~~xiv. short term rental properties.~~
 - i. Personal instruction;
 - ii. General office;
 - iii. Personal care services;
 - iv. Multimedia production; and
 - v. Artisan manufacturing.

1. Permit Requirements

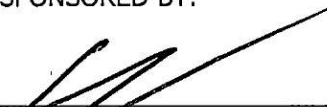
- a. Home occupations that meet both of the following conditions are not required to acquire a permit for activity under this section:
 - i. The home occupation does not serve customers on the property; and
 - ii. The home occupation does not employ anyone who does not live within the dwelling.
- b. Prior to issuance of a permit, the applicant shall provide the Codes Department with a statement that the applicant has confirmed that operating the proposed home occupation would not violate any home owners association agreement or bylaws, condominium agreement, covenants, codes and restrictions, lease or any other agreement governing and limiting the use of the property proposed for the home occupation. If the applicant is not the property owner, the applicant shall also certify that the property owner is aware of the application and does not object to pursuit of the home occupation permit.
- c. In single-family and two-family zoning districts, no more than one home occupation permit may be issued per lot.

2. Transferability and Enforcement

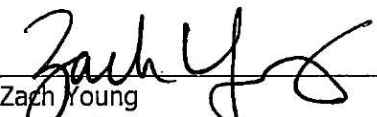
- a. Permit Transferability. A permit issued for activities under this section shall not be transferred or assigned to another person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the business. Upon termination of the occupant's residency, the home occupation permit shall become null and void.
- b. Revocation of Permit. Upon the filing of three or more verified complaints within a calendar year regarding a permit issued for activities under this section, the Zoning Administrator, or his or her designee, shall notify the permit holder in writing of such complaints and the Zoning Administrator, or his or her designee, will determine whether such complaints are valid. If it is determined that violations have occurred, the Zoning Administrator may revoke a permit as provided in Section 17.40.590. The permit holder may appeal the Zoning Administrator's decision to the Board of Zoning Appeals for a public hearing as provided in this Title.

Section 2. This Ordinance shall take effect from and after its final passage, and such change shall be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.


SPONSORED BY:



Dave Rosenberg



Zach Young



Colby Sledge



Joy Styles
Members of Council


Zubair Suara

ORIGINAL

METROPOLITAN COUNTY COUNCIL

Second Substitute

Bill No. BL2019-48

**An ordinance amending Section 17.16.250
of Title 17 of the Metropolitan Code of
Laws relative to home occupation.
(Proposal No. 2019Z-020TX-001)**

Introduced _____

Passed First Reading _____

Amended JUN 09 2020 JUN 16 2020 JUL 07 2020

Passed Second Reading JUN 09 2020

second substitute adopted 3-5-20
second public hearing scheduled 4-7-20
second reading deferred to 4-7-20
on 3-5-20
deferred to 5-5-20 on 4-7-20
deferred to 6-9-20 on 5-5-20
deferred to 7-7-20 on 6-16-20

Passed Third Reading JUL 07 2020

Approved JUL 20 2020

By 
Metropolitan Mayor

Advertised MAR 13 2020 APR 10 2020

Effective Date JUL 24 2020